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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/12/13

June 12, 2013

VIA E-MAIL (torres_nysdchambers@nysd.uscourts.gov)

Hon. Analisa Torres, U.S.D.J.
United States District Court, Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

AT

Re: Rosenblatt v. Doha, et al., Case No. 12-CV-1991 (WHP)

Dear Judge Torres:

We represent defendants Syed Doha, et al. In supplementation of our letter submitted yesterday, we enclose herewith copies of the attorney correspondence referred to in our letter, including our May 16 e-mail to plaintiff memorializing the parties' agreement to extend various dates in the scheduling order. Plaintiff agreed to revert to us concerning the requested dates to submit the joint pretrial order and for the final pretrial conference upon checking their schedule, but the agreement to request the extensions was clear. Until late yesterday, we not informed by plaintiff that he "disagreed" with extending the pretrial order and conference dates as set forth in our May 16 correspondence. Indeed, consistent with the agreement, plaintiff recently, on June 6, sent an e-mail to us requesting, "Would you mind putting together a draft joint letter to the Court requesting a status conference?" – in lieu of a final pretrial conference. After several unreturned phone calls and a Saturday e-mail from plaintiff, we reminded plaintiff on Monday of the need to submit a revised or updated version of the letter and scheduling order that we had provided to him on May 16 pursuant to the parties' agreement.

Finally, there is real prejudice here to defendants with the turn of events described in our letter yesterday and this letter in terms of preparation of the pretrial order's substantial material given the last-minute nature of plaintiff informing defendants of their "position" concerning this matter, as well as the outstanding discovery, including subpoenaed deposition, documents and interrogatory answers, still due to defendants from plaintiff. Such discovery remains outstanding despite defendants' many requests for plaintiff's discovery responses, and even, for example,

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Hon. Analisa Torres, U.S.D.J.

June 12, 2013

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the parties' meet-and-confer concerning plaintiff's deficient interrogatory responses and plaintiff's commitment to provide more responsive answers to various interrogatories. It is respectfully submitted that the requested extension of weeks, not months, is reasonable and fair under these circumstances.

Thank you again for Your Honor's attention to this matter.

Respectfully submitted,


Edwin F. Chociey, Jr.

Enclosures

cc: Derek Linke, Esq. (via e-mail and regular mail; w/encls.)

4375595v1

Chociey, Edwin

From: Chociey, Edwin
Sent: Thursday, May 16, 2013 6:37 PM
To: 'Derek Linke'
Subject: Rosenblatt v. Doha, et al.
Attachments: RIKER_DOCS2-#4367495-v1-revised_scheduling_order.DOC; RIKER_DOCS2-#4367487-v1-letter_to_judge_pauley.DOC

Derek: Pursuant to our discussion yesterday, attached are a letter to the court and a revised scheduling order concerning the parties' agreement to extend various dates. Please let me know how your calendars look. I would suggest June 28 for the joint final pretrial order, but you will let me know if that date does not work for you given your schedule, as well as dates in July that are not good for your schedule with respect to a final pretrial conference. I've set forth a June 14 discovery date as well. Also, you were going to provide me with Mr. Levy's telephone number so that we can reschedule his deposition. -Ed

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JESSE ROSENBLATT, an individual,

Plaintiff,

vs.

SYED DOHA, an individual, HEINER
FRIEDRICH, an individual, MELOTHE, INC., a
Florida corporation, OFLO VIDEO, INC., a
Florida corporation, PIXELLUTION, INC., a
Florida corporation, OFLO, INC., a Delaware
corporation, MIENT, INC., a New York
corporation, LISA SHERIDAN-DOHA, an
individual, CARITAS DOHA, an individual, and
DOES 1-10,

Defendants.

CASE NO. 12-CV-1991(WHP)

ECF Case

REVISED SCHEDULING ORDER

The parties having submitted a joint request for the following extensions of time,
the following revised schedule is established on consent:

- (1) Discovery shall be completed by June 14, 2013;
- (2) The parties shall submit a joint pre-trial order in accord with this Court's individual practices by June __, 2013; and
- (3) This Court will hold a final pre-trial conference on July __, 2013 at __ a.m./p.m.

Dated: ____, 2013
New York, New York

SO ORDERED:

William H. Pauley III, U.S.D.J.

Edwin F. Chociey, Jr.

Direct:

t: 973.451.8412

f: 973.451.8629

echociey@riker.com

Reply to: Morristown

May 16, 2013

Honorable William H. Pauley III, U.S.D.J.
United States District Court, Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 2210, Courtroom 11D
New York, New York 10007

Re: Rosenblatt v. Doha, et al., Case No. 12-CV-1991(WHP)

Dear Judge Pauley:

We represent defendants. This letter is jointly submitted by the parties pursuant to the Court's Individual Practices (I.E) to request an extension of time to from May 31 to June __ for the parties to submit the joint final pretrial order and to reschedule the final pretrial conference to a date in mid July subject to the Court's availability, and to complete discovery by June 14. Certain discovery remains to be taken. At his May 1 deposition, plaintiff identified two individuals who were allegedly present when defendant Syed Doha allegedly made a discriminatory remark. Defendants served a subpoena on one such person, Jonathan Levy, for his deposition. Plaintiff requested that we reschedule the deposition because none of his attorneys would be able to attend the May 16 deposition, and we agreed to do so as a professional courtesy. The parties have agreed to cooperatively schedule Mr. Levy's deposition with Mr. Levy. Also, defendants have attempted to subpoena the other individual, Farzam Ordoubadi, but so far have been unable to locate him, despite several attempts at listed addresses for him in New York City. We asked plaintiff's counsel whether they would accept service of the subpoena, as they have represented Mr. Ordoubadi in his California lawsuit against defendants, and they have advised us that they have spoken with him but to date he has not authorized them to accept service. (We have been authorized by our clients to accept service of both deposition and trial subpoenas for a non-party whom we represent, Friedrich Moeller, and we have so advised plaintiff's counsel). We continue in our efforts to subpoena Mr. Ordoubadi for deposition. In addition, defendants have requested that plaintiff produce certain documents previously requested and further requested at plaintiff's May 1 deposition; defendants also served a formal document request as an abundance of caution, which is returnable on June 10.

At the March 15 discovery conference concerning various deposition issues, the Court rescheduled the joint final pretrial order submission date from May 17 to May 31 and the final pretrial conference from May 31 to June 21, and extended discovery from April 19 to May 3.

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In view of the scheduling of plaintiff's deposition on May 1 and non-party Mr. Moeller's deposition on May 2, the parties previously agreed to continue discovery through May 17.

A revised scheduling order is submitted herewith. If the Court requires any additional information, please do not hesitate to contact us.

Thank you for Your Honor's attention to this matter.

Respectfully submitted,

Edwin F. Chocley, Jr.

Enclosure

cc(w/encl.; via e-mail and regular mail): John Du Wors / Derek Linke, Esqs.

4367487v1

Chociey, Edwin

From: Chociey, Edwin
Sent: Monday, June 10, 2013 5:04 PM
To: 'Derek Linke'
Subject: RE: Joint Status Letter

Derek: I've left you several vm's again today. Will you be calling me? -Ed

-----Original Message-----

From: Chociey, Edwin
Sent: Monday, June 10, 2013 9:53 AM
To: 'Derek Linke'
Subject: RE: Joint Status Letter

Derek: We need to file asap a revised version of the letter and order that I sent to you on May 16. Please call me to discuss. Thanks, Ed

-----Original Message-----

From: Derek Linke [<mailto:Linke@newmanlaw.com>]
Sent: Saturday, June 08, 2013 5:09 PM
To: Chociey, Edwin
Subject: Re: Joint Status Letter

Ed,

Sorry I missed you, what's on your mind?

Derek Linke

NEWMAN DU WORS LLP
1201 Third Avenue, Suite 1600
Seattle, Washington 98101
(206) 274-2827 Office Direct
(206) 669-3638 Mobile
(206) 274-2801 Fax

On Jun 7, 2013, at 1:48 p.m., "Chociey, Edwin" <ECHOCIEY@RIKER.com> wrote:

> Derek: Just left you a vm. -Ed

>

> -----Original Message-----

> From: Chociey, Edwin
> Sent: Thursday, June 06, 2013 8:13 PM
> To: 'Derek Linke'
> Subject: RE: Joint Status Letter

>

> Derek: I left you a vm earlier today. Please feel free to call me. -Ed

>

> -----Original Message-----

> From: Derek Linke [<mailto:Linke@newmanlaw.com>]
> Sent: Thursday, June 06, 2013 1:37 PM
> To: Chociey, Edwin
> Subject: Joint Status Letter

>

> Ed,

>
> Would you mind putting together a draft joint letter to the Court requesting a status conference?

>
> Derek Linke
>
> NEWMAN DU WORS LLP
> 1201 Third Avenue, Suite 1600
> Seattle, Washington 98101
> (206) 274-2827 Office Direct
> (206) 669-3638 Mobile
> (206) 274-2801 Fax

>
>
> _____
>

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